

ATTACHMENT: July 28, 2021

Federal Authority Advice Record: Designation Request under IAA

Response due by August 18, 2021

Touquoy Mine Expansion Project

Department/Agency	Transport Canada
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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Transport Canada confirms that it has no active applications nor granted any approvals under the *Canadian Navigable Waters Act* (CNWA) for the original Touquoy Mine or this proposed expansion project.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

After reviewing the information related to the proposed expansion project, it does not appear that there will be any works in, on, over, under, through or across any waterways that would require an approval from Transport Canada under the CNWA.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

While not applicable in this instance, the review and approval processes under the CNWA involve public and/or Indigenous consultation considerations.

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Transport Canada is not aware of any concerns of the project regarding navigation, but as a Federal Authority can provide expertise / specialist information in this regard, particularly with respect to the CNWA.

5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

No.

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

As it relates to Transport Canada's mandate, specifically navigation in this instance, the project does not appear to have the potential to cause any adverse effects on navigation that could not be mitigated through conditions of a CNWA approval, if required.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor: The potential to cause adverse effects in areas of federal jurisdiction, including water quality, fish and fish habitat, species at risk, migratory birds, and Mi'kmaq of Nova Scotia.

With respect to the issues raised by the requestor, it does not appear that any of these fall under the mandate of Transport Canada, specifically impacts to navigation.

8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

If there are any works proposed in/on/over/under/through/across any waterways, there could be a few outcomes. The proponent can use the project review tool to determine their requirement. <https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet>

Major works (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-320/index.html>): would require approval

Minor works (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-170/index.html>): may need posting on the registry.

Work on non-scheduled waterway (https://tc.canada.ca/en/programs/navigation-protection-program/apply-npp#item_8): would require posting on the registry and publishing for public notice.

With the coming into force of the CNWA, we have transitioned to the use of the external submission site (ESS) linked below. This is the central point to submit an application for an approval or to publish a notification for a work:

[External Submission Site for the Navigation Protection Program](#)

The proponent will need to create an account first.

Once the proponent submits an application on the ESS, it will be pushed to the Common Project Search Registry: <https://common-project-search.canada.ca/> for public review.

Additional guidance information and links for the NPP regulatory process can be found here:

Canadian Navigable Waters Act

<https://www.tc.gc.ca/eng/programs-632.html>

<https://www.tc.gc.ca/eng/canadian-navigable-waters-act.html>

Navigation Protection Program, Transport Canada

<http://www.tc.gc.ca/eng/programs-621.html>

Jason Flanagan

Name of departmental / agency responder

Regional Senior Environmental Supervisor

Title of responder

August 23, 2021

Date